IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 721 of 2014
Date of decision 12.01.2015.

Sudha Aggarwal

..... Petitioner.

versus

State of Haryana & another

..... Respondents.

CORAM :- HON'BLE MR.JUSTICE K.C.PURI.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present : Mr. Namit Khurana, Advocate for petitioner.

K.C.PURI, J.

Challenge in this revision petition preferred by the complainant is to the judgment dated 06.12.2013 passed by Juvenile Justice Board, Yamuna Nagar at Jagadhri, vide which accused Jaswinder alias Prince has been acquitted in respect of FIR No.165 dated 14.05.2012 registered under Sections 323, 148, 149, 427, 452 and 506 of the Indian Penal Code (in short – the IPC).

2. The FIR was registered in the present case on the direction of the Court under Section 156(3) of the Code of Criminal Procedure (in short – the Cr.P.C.) on a complaint filed by Sudha Aggarwal dated 1.3.2012 alleging that she has two sons and they are running the shop in the name of

M/S Aggarwal Machinery at Yamuna Nagar. Since a few days ago a theft took place at her residence, therefore, for security purposes her sons installed CCTV Cameras on the roof of the house. On this, accused persons started quarreling and raising objection for installation of cameras. On 17.12.2011 at about 8.00a.m, accused persons with bad intention alongwith weapons as well as lathis came on the roof of the complainant and intentionally broke the CCTV camera of the complainant. On hearing noise, sons of the complainant came on the roof of their house and asked the accused not to do said illegal activities but they started abusing them and gave merciless beatings to the complainant and her sons with lathis and dandas. They were having swords, knives and country made pistol as well. The entire incident was recorded in the CCTV Camera. However, complainant and her sons rescued themselves. Accused persons also threatened to kill them in future. Accused intentionally started raising obstacles in the passage after throwing heaps of bricks and waste material on the passage, due to which great difficulty is being faced by the complainant for ingress and outgress. The complainant also reported the matter to the police but they pressurized them to compromise the matter. On the direction of the Court and basis of aforesaid statement, FIR was got recorded. Statements of the prosecution witnesses were recorded. After completion of necessary investigation challan against the accused was presented in the Court.

3. Copies of the documents were supplied to the juvenile free of costs. The learned Juvenile Justice Board, framed charge for offences

punishable under sections 148, 323, 452, 427, 506 read with Section 149 of the IPC to which, the accused pleaded not guilty and claimed trial.

4. In support of its case, the prosecution examined ASI Parveen Kumar as PW-1, SI Naresh Kumar as PW-2, Sharad Aggarwal as PW-3, Sudha Aggarwal complainant as PW-4, Bharat Aggarwal as PW-5 and closed the prosecution evidence.

5. In his statement recorded under Section 313 Cr.P.C., the Juvenile denied all the prosecution allegations and pleaded his false implication. He did not lead any evidence in defence.

6. The trial Court, after hearing the learned counsel for the parties acquitted the Juvenile from the charges levelled against him vide judgment dated 06.12.2013, as aforesaid.

7. Feeling dissatisfied with the aforesaid judgment, the present revision petition has been directed by the complainant.

8. I have heard learned counsel for the petitioner and have carefully gone through the case file.

9. The learned counsel for the revisionist has submitted that judgment of the trial Court is based upon conjectures and surmises. Eye witnesses have supported the case of the prosecution. So, the juvenile should have been convicted. The learned counsel for the petitioner has submitted that there is no delay in lodging the FIR. The matter was reported to the police but no action was taken. So, the delay cannot be said to be unexplained. It is submitted that the other ground for acquittal is that CCTV Camera which was broken by the respondent-accused and his family

members has not been produced. It is submitted that the same was not taken into possession by the police and on that account the same could not be produced. Regarding non-production of MLR, counsel for the petitioner has submitted that the simple hurt is sufficient to attract provisions of Section 323 of the IPC. So, the prayer has been made for remanding the case to the trial Court for fresh decision after giving notice to the juvenile.

10. I have carefully considered the said submission but do not find any force in that submission.

11. It is settled law that scope of revision is very limited and this court can only interfere in case the material evidence has been misinterpreted or misread or has been wrongly discussed. The trial Court has discussed all the evidence. The delay of six months in lodging the FIR has not been explained. CCTV Camera has not been produced in the court. Although, according to the complainant her two sons got injuries but no medical evidence has been produced. The learned trial Court has also taken into consideration the material contradictions between the statements of the witnesses. So, no ground for interfering in the present revision petition is made out.

12. Consequently, the present revision petition is without any merit and the same stands dismissed without issuing any notice to the opposite party.

13. A copy of this order be conveyed to the trial Court for strict compliance.

(K. C. PURI)
JUDGE

January 12, 2015
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